

Atty. Dkt. No. 035451-0165 (3703.Palm)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 12, and 22 are requested to be cancelled without prejudice.

Claims 1, 11, and 21 are currently being amended. No new matter has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-11, 13-21, and 23-29 are now pending in this application.

Claim Rejections - 35 U.S.C. §102

In Section 3 of the Office Action the Examiner rejected claims 1, 3, 7-11, 13, 16, 18-21, 23, 26, and 28-29 under 35 U.S.C. §102(b) as being anticipated by Albukerk (U.S. Patent No. 5,929,848).

In particular the Examiner indicated that independent claims 1, 11, and 21 are anticipated by Albukerk. Applicants have amended independent claims 1, 11, and 21 with the limitations found in original claims 2, 12, and 22. Claims 2, 12, and 22 have been cancelled without prejudice.

Because original claims 2, 12, and 22 were rejected under 35 U.S.C. §103, amended claims 1, 11, and 21 are addressed in the next subsection in response to claim rejections under 35 U.S.C. §103.

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- 5 -

Application No. 09/998,079

Atty. Dkt. No. 035451-0165 (3703.Palm)

Claim Rejections – 35 U.S.C. §103

In Section 6 of the Office Action the Examiner rejected claims 2, 12, and 22 under 35 U.S.C. §102(b) as being unpatentable over Albukerk (U.S. Patent No. 5,929,848) in view of Colson et al. (U.S. Published Patent Application No. 2002/0078075).

As stated above, independent claims 1, 11, and 21 have been amended with the limitations of original claims 2, 12, and 22. Accordingly, claims 1, 11, and 21 are assumed to be similarly rejected as original claims 2, 12, and 22 that are now cancelled.

Applicants respectfully submit that the combination of Albukerk and Colson et al. is improper because there is no motivation or suggestion to combine these two references. Albukerk provides no motivation for prioritizing the indexed information. Albukerk simply teaches a system for identifying an object and providing information about the object to a user who is in the vicinity of the object. Nothing in Albukerk suggests that there is any need for prioritizing any information associated with the object. The information is just provided to the user, such as a museum visitor, based on the object nearby.

Colson et al. does not provide any motivation to combine the teachings with Albukerk, to arrive at Applicants invention recited in Claims 1, 11, and 21. Colson et al. teaches prioritizing data on a computer device for the purpose of synchronizing the computer device with another device, such as a PDA. Just because Colson et al. teaches prioritizing data and teaches the use of a PDA does not suggest that there is any logical connection between Colson et al., Albukerk, and the subject matter recited in Applicants claims 1, 11, and 21. In fact, Colson et al. teaches prioritizing categories of data on the computer device and then synchronizing based on the prioritization. In contrast, Applicants prioritize data which has been indexed on the handheld computer, not on a computer. Further, the object of prioritizing in Applicants claims has nothing to do with synchronizing between two platforms. Colson et al. provides no motivation for the prioritization of information in the construct of the Albukerk system. Therefore, Applicants

Atty. Dkt. No. 035451-0165 (3703.Palm)

respectfully submit that the combination of Albukerk and Colson et al. is improper because there is no suggestion or motivation to combine the references.

Further, Applicants respectfully submit that Colson et al. does not disclose, teach or suggest the prioritizing indexed data on a handheld computer. The prioritized information in Colson et al. is on the computer device, not on the PDA. The PDA just receives the prioritized information in accordance with its priority. Therefore, not only is there no motivation for making the combination of references, the references together do not disclose or teach all of the claim limitations recited in independent claims 1, 11, and 21.

Accordingly, Applicants respectfully submit that independent claims 1, 11, and 21 and their respective dependent claims are therefore allowable.

* * * * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

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- 7 -

Application No. 09/998,079

Atty. Dkt. No. 035451-0165 (3703.Palm)

Respectfully submitted,

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